

SENATE BILL 1750

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2; Title 39, Chapter 13, Part 5; Title 40, Chapter 15; Title 40, Chapter 35 and Title 40, Chapter 39, relative to sexual offenses committed against minors and the punishment and monitoring of such sexual offenders and to enact the "Tennessee Jessica Lunsford Act of 2007".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Jessica Lunsford Act of 2007".

SECTION 2. Tennessee Code Annotated, Section 39-13-504, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Aggravated sexual battery under subdivisions (a)(1), (2) or (3) is a Class B felony.

(2) Aggravated sexual battery under subdivision (a)(4) is a Class A felony and the minimum sentence for such offense shall be from within Range II as set out in § 40-35-112(b)(1). Nothing in this subdivision shall prohibit such an offender from being sentenced from within Range III as a persistent offender or career offender if the factors set out in §§ 40-35-107 and 40-35-108 are applicable.

SECTION 3. Tennessee Code Annotated, Section 39-13-522, is amended by deleting subsection (b) and substituting instead the following:

(b) Rape of a child is a Class A felony and the minimum sentence for such offense shall be from within Range II as set out in § 40-35-112(b)(1). Nothing in this subsection shall prohibit such an offender from being sentenced from within Range III as

a persistent offender or career offender if the factors set out in §§ 40-35-107 and 40-35-108 are applicable.

SECTION 4. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child or aircraft piracy; or

SECTION 5. Tennessee Code Annotated, Title 40, Chapter 39, Part 3, is amended by adding the following new section:

§ 40-39-307.

(a) Notwithstanding any other provision of law, the board of probation and parole shall require, as a mandatory condition of release, that any person convicted of an offense specified in subsection (b) and who is released under its supervision be enrolled in a satellite-based monitoring program for the full extent of the person's term of probation or parole, consistent with the requirements of § 40-39-302.

(b) The provisions of this section shall apply to any person convicted of a sexual offense, as defined in § 40-39-202(17) or a violent sexual offense, as defined in § 40-39-202(25), on or after July 1, 2007 where the victim of such offense is a minor and the defendant is at least eighteen (18) years of age.

(c) The guidelines, procedures and other provisions established in this part for the Tennessee Serious and Violent Sex Offender Monitoring Pilot Project shall, to the extent possible, also govern the sexual offenders and violent sexual offenders monitored pursuant to this section.

SECTION 6. Tennessee Code Annotated, Section 40-35-303, is amended by adding the following as a new subsection:

(p)

(1) Notwithstanding any other provision of law, the court shall require, as a mandatory condition of probation, that any person convicted of an offense specified in subdivision (2) and who is released on probation under the supervision of the court or the board of probation and parole be enrolled in a satellite-based monitoring program for the full extent of the person's term of probation, consistent with the requirements of § 40-39-302.

(2) The provisions of this section shall apply to any person who is granted probation following conviction of a sexual offense, as defined in § 40-39-202(17) or a violent sexual offense, as defined in § 40-39-202(25), on or after July 1, 2007 where the victim of such offense is a minor and the defendant is at least eighteen (18) years of age.

(3) The guidelines, procedures and other provisions established in title 40, chapter 39, part 3 for the Tennessee Serious and Violent Sex Offender Monitoring Pilot Project shall, to the extent possible, also govern the sexual offenders and violent sexual offenders monitored pursuant to this subsection.

SECTION 7. For purposes of implementing the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2007.